

**COMMENTS OF MEDIA CAPTIONING SERVICES**

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**In the Matter of :**

**Closed Captioning and Video Description  
of Video Programming**

**MM Docket No. 95-176**

**Implementation of Section 305 of the  
Telecommunications Act of 1996**

**Video Programming Accessibility**

**Submitted  
February 23, 1998**

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**Media Captioning Services ("MCS") is pleased to provide comments addressing the accessibility of emergency information through closed captioning services. Formed in 1987, MCS has provided national and local realtime captioning of major domestic events with profound impact on public health, welfare, and safety. Our expertise is the captioning of live, breaking news, which often occurs for extended durations, for major national and local stations. During the period April 29, 1992 to May 1, 1992, Media Captioning Services provided 39 hours of continuous realtime captioning of the Los Angeles riots with no commercial break, for KABC-TV, Los Angeles. During the period January 13-18, 1994, MCS provided 37.5 hours of continuous, nonstop realtime captioning of events following the 6.8 magnitude earthquake, which severely affected the Los Angeles Basin, with the epicenter near Northridge, Ca. Immediately following the Oklahoma City bombing, we captioned all of CNN's Breaking News coverage continuously for the next 18 hours on CNN, and for days following this event. We, therefore, have a unique perspective on the operational aspects of the realtime captioning of emergency events.**

**1. We agree with commenters, who have stated in public testimony, that the ENR form of captioning is clearly deficient for viewers, in that substantial portions of news broadcasts oftentimes remain not captioned for Deaf and hard of hearing viewers. We are dealing, however, with the following realities in the marketplace for closed captioning services:**

**a. Quality realtime captioning skills are in demand, and there will be a shortage of realtime captioners for some time.**

**b. The supply of talented captioners will not grow unless there are economic incentives for stenographers to choose this career path (captioning) vs. other opportunities in their profession, which may be more lucrative. Successful graduates of stenography/court reporting schools are as, if not more, motivated by economic incentives than the general population, and this market reality is in**

**direct conflict with the willingness of all stations to incur realtime closed captioning costs as a fixed expense.**

**c. Unless a captioning company is captioning a particular local station's programming on a regular basis, it is unlikely that a captioning company would agree to provide emergency captioning on an "as needed," or demand basis. Operationally, it would be imprudent for a captioning company to agree to enter into one or more, i.e., multiple emergency coverage agreements without having a core amount of business from a local station. For example, we at MCS believe it is essential to have a certain core of trained captioners in place, who are providing closed captioning on a regular basis for a local station's programming. This gives us the ability to have, in place, staff that is familiar with local names, terminology, that they are captioning on a regular basis, and to caption for extended periods of time. Emergency captioning typically requires continuous, nonstop captioning for extended periods of time, and familiarity with local street names and other geographically significant terminology is essential to provide a level of quality of captioning that is useful to viewers.**

**It would be imprudent for any captioning company to have such a contingent liability to caption a local stations's programming only when emergency captioning occurs. From our experience, it is impossible to maintain a staff in place for some unknown event—with no revenues to support such a staff, or to expect to have sufficient staff immediately available, and familiar with a particular locality's terminology.**

**d. While captioning remotely may be suitable for regularly scheduled programming, it has clear deficiencies when used on emergency programming. Specifically, captioning remotely by individuals in different, discrete locations, more likely than not, involves some stenographers/captioners unfamiliar with familiar specific terminology, names, or places in the area affected by the emergency. In addition, because emergency captioning requires continuous captioning, the multiple phone connections and disconnections to a local station**

encoder may not always be easily coordinated, or possible. Even when remote captioning is provided by a firm such as ours with substantial resources, there can be, depending on the nature of the emergency, challenges in allocating realtime captioning resources.

2. We are not clear what standards will be implemented for the EAS/ emergency alert system, and the impact of EAS systems using different standards, on captioned programming carried by local cable operators. We urge the FCC to coordinate efforts, within your agency, to ensure that every EAS system which is placed in service by December, 1998 will allow captioned data to pass without restriction.

3. We would ask the FCC to require all local stations to report to the FCC, the number of hours of live coverage of emergency information/programming they broadcast per annum to the Commission, and/or report on how emergency information affecting the public, health, welfare and safety is transmitted to maximize accessibility for all their viewers. We would urge the Commission to require all local stations and cable operators servicing the top 25 sma's in the United States to provide realtime captioning of their emergency, live programming. We would expect that stations and captioning companies would then develop working relationships that made economic and operational sense for both parties. In addition, local stations serving areas subject to severe weather emergencies should also be required to certify to the FCC that they have arranged to provide realtime captioning of all emergency, live programming.

4. We believe that the FCC should require realtime captioning of emergency broadcasts for local stations as described in point 3, on an accelerated schedule—over a four year, as opposed to eight year transition basis. If a local station is required by the FCC to provide realtime captioning of its emergency broadcasts, it will be required to address the operational concerns/realities we, and other captioning companies may have, as to the feasibility of providing

emergency captioning on an “as required” basis. Local stations would then have the impetus to carry realtime captioning, provided either by a local captioning company, by a remote vendor, or an in-house, onsite captioner. The local station may determine what arrangement is in its best interests, in order to comply with the emergency captioning requirement. The station may determine, for example, it is prudent to have a certain portion of its regularly scheduled broadcasts realtime captioned, to ensure that when an emergency occurs, it will have the ability to meet the emergency broadcast captioning requirement as stipulated by the FCC. Therefore, without mandating that all local station programming be realtime captioned in lieu of use of the teleprompter, stations and caption providers will derive a market-based solution to provide realtime captioning of emergency, live coverage, and such agreements may well result in providing realtime captioning for some, or all of the local station’s regularly scheduled news programming, where none may exist currently.

4. We would urge the use of cc2, a second text channel, to provide a typed report of the audio emergency message carried by the local station. This would be provided in addition to realtime captioning of live, emergency coverage on stations required to provide such realtime captioning of emergency coverage.

5. We recommend that the FCC require all local stations in the top 25 sma’s of the United States, and local stations in areas of the country subject to severe seismic and weather conditions as determined by the FCC, to realtime caption all emergency, live programming they broadcast, with such implementation over a four year transition period. We would urge legislative initiatives at the state level- to provide funding through respective State Offices of Emergency Preparedness, or through FEMA for such realtime captioning, that would be available to compensate local stations directly for their costs to provide realtime closed captioning of their programming.

**6. Because realtime captioning of live emergency captioning is continuous, oftentimes for extended durations, we believe pricing in the \$ 225 to \$ 300 per hour range is a reasonable cost given the importance of providing accessibility to this information having such a profound effect on public, health, welfare and safety. This pricing reflects the current availability of captioning resources, and does not, from our experience, correspond to pricing for realtime closed captioning of regularly scheduled programming, which would be less on a per hour basis.**

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